

Remarks in Response to the Notice of Non-Compliant Amendment dated December 13, 2007

Applicants respectfully submit that in response to the Notice of Non-Compliant Amendment dated December 13, 2007, the Amendment submitted by Applicants on September 5, 2007 is reproduced here in its entirety with the following changes:

1) Claim 5 is now designated as being “currently amended”;

2) Arguments pointing out the specific distinctions believed to render the newly present claims 22-31 patentable over the references cited in the June 5, 2007 Office Action have been added (page 18):

“Claims 22-31 have been added. Claims 22-25 depend directly or indirectly from independent claim 1, and claims 26-31 depend directly or indirectly from independent claim 11, and each defines further features and structure of the system and method, respectively. As such, these claims are patentable for the reasons noted above with respect to claims 1, 11 and 21 as well as for the additional features recited therein.”

No further changes have been entered. Applicants therefore respectfully request reconsideration of the Amendments and Remarks that follow.

Remarks in Response to the Office Action dated June 5, 2007 (corrected)

Applicants respectfully request reconsideration of the above referenced application in light of the proposed claim Amendments and Remarks that follow. Claims 1-5, 8, 10-16 and 21 have been amended. Claims 6-7 and 9 have been canceled. Claims 22-31 have been added. Claims 1-5, 8, 10-16 and 21-31 are now pending in this application.

In the Office Action dated June 5, 2007 (the “Office Action,”) claims 1-3, 7-9, 11-13 and 21 were rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent No. 6,327,573, hereinafter “Walker”). Claims 4-6, 10, and 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Fleming (U.S. Patent No. 5,953,710, hereinafter “Fleming”). Applicants respectfully traverse each of the rejections.

Claim rejections - 35 USC § 102

**Claims 1, 11 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al.
U.S. Patent No. 6,327,573.**
Office Action, pg. 3.

and

Claims 1, 11, 21 Walker discloses a system and method for managing transaction information, comprising a data structure for causing a computer to:
Form a party file having a plurality of party records, each party record having party information relating to one of a plurality of parties (figure 3A, and column 6 lines 10-20), each party record including a link to another party record (figure 3B, 304-3 and 304-N);
Form an account file having a plurality of account records, each account record having account information relating to one of a plurality of accounts (figure 4A), each account record including a link to at least one party record (figure 3B, M2, M3, MN); and
Form a transaction file having a plurality of transaction records, each transaction record having transaction information relating to one of a plurality of transactions (figure 3C), each transaction record including a link to an account record (figure 3B, M1).
Office Action, pg. 3.

Applicants respectfully traverse the rejection of claims 1, 11 and 21 under 35 USC § 102. To support a rejection under § 102(a) the cited prior art of reference must disclose each element of the rejected claims in the manner recited by the claims. Walker, however, does not disclose at least the elements of claims 1, 11 and 21 related to creating a particular data structure, such as “form a party file having a plurality of...,” “form an account file having a plurality of...,” and “form a transaction file having a plurality of...” Walker simply presents a number of relational diagrams of transaction-related elements. Walker does not teach or discuss any sort of data structure or file formation. Walker does not mention files or links between records within the different files. Applicants respectfully submit that Applicants claimed invention is not directed to the relationships between parties, accounts or transactions, but to the specific way to form a data structure so that these relationships are properly represented and can therefore efficiently be used to manage transaction information. Walker provides no disclosure to that effect. Therefore, Walker provides no contribution further than that presented by Applicants’ as prior art in the Background Section of the Applicants’ Specification (see paragraphs [0007]-[0011] of Applicants’ Specification).

In addition, as Applicants have argued in previous Responses, information can be represented in databases in many different ways. Not each one of these ways allow a user to manage the information represented by the data with the same efficiency. The deficiencies of the prior art were discussed by Applicants in the Background Section of the Applicants' Specification (see paragraphs [0007]-[0011]). For at least the reason that the Office Action has shown that Walker teaches or suggests Applicants' claimed limitations related to creating a particular data structure, a § 102(a) rejection of claims 1, 11 and 21 in light of Walker is not supported. Nonetheless, in the interest of expediting the prosecution of the current application, Applicants have amended claims 1, 11 and 21 with the purpose of providing claim language that the Office may consider to be more suitable to define the invention. In consequence, the rejection of claims 1, 11 and 21 is moot in view of the current amendment of these claims.

For at least the foregoing reasons, the rejection of claims 2-3, 8 and 12-13 is respectfully traversed. Claims 6-7 and 9 have been canceled. Thus, the rejection of claims 6-7 and 9 is moot. Claims 2-3 and 8 depend from independent claim 1, and claims 12-13 depend from independent claim 11, and each defines further features and structure of the system and method, respectively. As such, these claims are patentable for the reasons noted above with respect to claims 1, 11 and 21 as well as for the additional features recited therein.

Claim rejections - 35 USC § 103

Claims 4, 5, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker.

Official Notice is taken that keeping salesperson records and booking company records are old and well known in the art. Transaction systems often keep such records to facilitate employee or third-party compensation for transactions completed, and to maintain customer relationships by keeping track of which parties have serviced a given customer in the past. Walker describes transaction information related to completed transactions (figure 3C). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Walker to include the salesperson and/or booking company involved in a transaction within the transaction records in order to compensate the individuals, or to maintain relationships with the customers. It is noted that a party is linked to a transaction, and a transaction would include a salesperson or booking company party, and therefore the party is linked to the salesperson or booking company.

Office Action, pg. 5.

Applicants respectfully submit that the 35 USC § 103 rejection is moot in view of the current amendment of the independent claims 1, 11 and 21, from which claims 4, 5, 14, and 15 depend directly or indirectly.

In addition, Applicants respectfully traverse the Official Notice issued in the Office Action. As an initial matter, the intended extent of the Official Notice is unclear to Applicants. Applicants respectfully submit that the first statement in the Official Notice “keeping salesperson records and booking company records are old and well known in the art” is not relevant to the patentability of claims 4, 5, 14, and 15, which recite a particular architecture of data structure, as shown below:

Claim 4. The computer-readable medium of claim 3, wherein said plurality of parties includes at least one salesperson party and each of said plurality of account records includes a link to one of said plurality of party records having information relating to said at least one salesperson party.

Claim 5. The computer-readable medium of claim 4, wherein said plurality of parties includes at least one booking company party and each of said plurality of account records includes a link to one of said plurality of party records having information relating to said at least one booking company party.

Claim 14. The method of claim 13, wherein said plurality of parties includes at least one salesperson party and said at least one of said plurality of party records has information relating to said at least one salesperson party.

Claim 15. The method of claim 14, wherein said plurality of parties includes at least one booking company party and said at least one of said plurality of party records has information relating to said at least one booking company party.

Next, the Official Notice states “[t]ransaction systems often keep such records to facilitate employee or third-party compensation for transactions completed, and to maintain customer relationships

by keeping track of which parties have serviced a given customer in the past.” Applicants respectfully submit that it is unclear whether this statement is part or not of the Official Notice. If it is part of the Official Notice, Applicants respectfully note the present tense of this statement. The current state of the art is irrelevant for the patentability of claims 4, 5, 14, and 15, which have a filing date of February 16, 2001 (see MPEP 2144.03).

The Official Notice cites figure 3 C of Walker as support for describing “transaction information related to completed transactions.” However, none of the transaction information described in figure 3 C of Walker is “salesperson records” or “booking company records,” but “Reward Program,” “Frequent shopper database,” “Frequent shopper rules database,” “Card ID Program,” “Inventory Control Program,” “Value,” “Quantity,” “Delivery,” “Date” and “Item Number.” Thus, for at least the reason that Walker does not refer to or mention “salesperson records” or “booking company records,” Walker does not support the Official Notice. In addition, Walker does not teach how the information shown in the flowchart is represented in the data structure, as required by Applicants’ claims. Thus, for at least the reason that Walker does not refer to or mention how to organize data structure represented in its flowcharts, Walker does not support the Official Notice.

The next statement in the Official Notice is an obviousness statement in subjunctive tense, which cannot be used as support for an Official Notice.

For at least the foregoing reasons, Applicants traverse the Official Notice.

Claims 6, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, in view of Fleming, U.S. Patent No. 5,953,710.
Office Action, pg. 6.

Claims 10 depends from independent claim 1, and claim 16 depends from independent claim 11, and each defines further features and structure of the computer-readable medium and method, respectively. As such, this 35 U.S.C. 103(a) rejection is moot and these claims are patentable for at least the reasons noted above with respect to claims 1, and 11, as well as for the additional features recited therein. Claim 6 has been canceled. Thus, the rejection of claim 6 is moot.

Moreover, Applicants respectfully traverse the 35 U.S.C. 103(a) rejection of claims 6, 10 and 16 in the current Office Action for the additional reason that a prima facie case of obviousness has not been established in the Office Action (see MPEP § 2142).

Applicants respectfully submit that the a prima facie case of obviousness has not been established in the Office Action because there is no motivation to modify or combine the reference teachings and even if the references were combined, none of the prior art references, alone or in combination, describe or suggest all of at least the claimed limitations of claims 6, 10 and 16.

Applicants respectfully submit that the text from the Fleming patent cited in the Office Action does not teach at least the limitation a “guarantor party” as required by claims 6, 10 and 16. The text cited in the Office Action, which is reproduced below in fact discloses a supervisory party, and not a guarantor party, as required by the claims 6, 10 and 16:

One type of preferred embodiment of a method and system according to the present invention includes a separate credit card account for a child which is linked with a parent's credit card account. The method and system allow: a parent to make changes in the child's available credit without changing the total combined credit limit and available credit for the child's and parent's credit card accounts and without requiring bank approval; the child's purchases to be included in the parent's statement; the parent to enable the child to make purchases unlimited in number, a limited number of purchases, or no purchases; and the parent to make a single payment for both the child's and the parent's credit card accounts. In a preferred embodiment of the invention, both the child's and parent's accounts are credit card accounts. While the invention is described in the context of a parent and child, this invention can be used whenever supervision would be helpful, such as when an adult son or daughter supervises a mentally infirm elderly parent. The invention may also be used by a single individual to provide a supervised card for use in less secure environments.

Fleming, col. 3, lines 11-32 (emphasis added).

Thus, for at least the reason that Fleming does not teach a “guarantor party”, there would be no motivation to combine Walker and Fleming to arrive at Applicants’ invention.

Claim Amendment

Applicants respectfully submit that notwithstanding that Applicants sustain the arguments presented in previous amendments, Applicants have amended the claims with the purpose of providing

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Docket No. 80-20678073 (formerly known as 6208-003)

claim language that the Office may consider to be more suitable to define the invention, in the interest of expediting the prosecution of the application.

New Claims

Claims 22-31 have been added. Claims 22-25 depend directly or indirectly from independent claim 1, and claims 26-31 depend directly or indirectly from independent claim 11, and each defines further features and structure of the system and method, respectively. As such, these claims are patentable for the reasons noted above with respect to claims 1, 11 and 21 as well as for the additional features recited therein.

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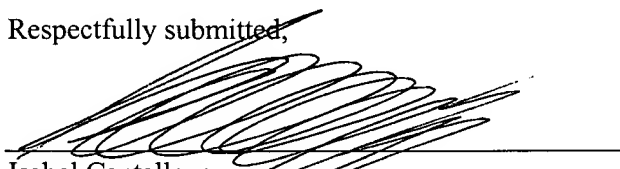
Closing

Claims 1-5, 8, 10-16 and 21 have been amended. Claims 6-7 and 9 have been canceled. Claims 22-31 have been added. Claims 1-5, 8, 10-16 and 21-31 are now pending and believed to be in condition for allowance. Applicants have made a diligent effort to place this application in better condition for immediate allowance and notice to this effect is earnestly solicited. The Examiner is respectfully requested to reconsider the application at an early date with a view towards issuing a favorable action thereon. If upon the review of the application, the Examiner is unable to issue an immediate notice of allowance, he is respectfully requested to telephone the undersigned attorney at (212) 895-1376 with a view towards resolving the outstanding issues.

The Commissioner is authorized to charge and fees required in connection with this submission to Deposit Account No. 50-0521.

Date: February 7, 2008

Respectfully submitted,



Isabel Cantallops
Registration No. 57,710

Customer No. 27383
Telephone: (212) 895-1376